



H.R. 1 CONFERENCE REPORT PROPOSAL HIGHLIGHTS

Testing/Accountability:

- Annual state assessments required in math and reading in grades 3-8, and once in grades 10-12, by the 2005-2006 school year.
- Science assessments must be given beginning in the 2007-2008 school year. There is no mention in the bill text how evolution is to be treated, but report language clarifies that a quality science education should help students understand the full range of views on topics being taught, such as biological evolution.
- States must biannually test random samples of 4th and 8th grade students in math and reading using NAEP. **The House language allowing an alternative test to be used in place of NAEP is removed.** However, safeguards are included to protect the independence and validity of NAEP, including clarifying that NAEP should use a random sampling of students and that students are not required to take the test.
- A “trigger” for both state assessments and NAEP is included. States will not have to develop or implement state assessments or test students using NAEP if federal funding does not cover the cost.
- No federal rewards or sanctions would be based on NAEP or state assessment results.
- Language similar to the Akin amendment is included requiring both state assessments and NAEP be objective and not evaluate personal or family beliefs and attitudes. Report language, however, allows for essay test items that require students to “express opinions, provided that such test items are developed consistent with widely accepted professional testing standards.”
- The Annual Yearly Progress (AYP) accountability system allows states to set achievement goals, with a requirement that all students reach proficiency in 12 years. A “safe harbor” is created so that if students in a particular subgroup (economically disadvantaged, minority, disabled, etc.) are making significant progress to proficiency but have not technically met the 100% requirement, the school is still considered to be meeting AYP and would not be identified as failing.

Flexibility:

- **The Kennedy Straight A’s is NOT in the conference report.** It would have allowed 7 states and 25 local districts broad flexibility in spending ESEA program funding (including Title I, the largest pot of money) without the associated federal rules and regulations.
- **Transferability:** All 50 states could shift up to 50 percent of *most non-Title I state activity funds* (only about 1-5 percent of state funds) to other programs of a state’s choosing. Every local district in America could shift up to 50 percent of *most non-Title I funds* between programs. All program regulations still apply.

- **Local Flexibility Demonstration Projects:** Between 80 and 150 local school districts could waive rules and regulations associated with most *non-Title I ESEA programs* in return for an “accountability contract” with the Secretary. Districts would have broad flexibility in spending.

- **State Flexibility Demonstration Projects:** Seven states and ten districts within those states could waive federal education requirements associated with a variety of *mostly non-Title I ESEA programs*. Funds could be used for any activity authorized under H.R. 1. The only Title I funds eligible for use under this project are state administration and activity funds (only about 1-5 percent of state funds).

Parental Options:

- **Public school choice** would occur after a school has been identified as failing for two years, unless prohibited by state law. Students would be able to attend another school within the school district, including a charter school. Students in schools already identified by the Department of Education as failing for three years would receive immediate public school choice. Choice would continue for as long as the child would have attended the failing school. House bill had public school choice after one failing year.

- **Supplemental services** would be available to students after a school has been identified as failing for three years. These services would include tutoring, summer school or after-school programs and may be obtained from private and religiously-affiliated providers, although they must meet all applicable Federal, State, and local health, safety, and civil rights laws. A portion of a school’s Title I funding would be used to pay for these services. Services would end for a student once the school was no longer identified as failing. The House bill had supplemental services after 2 failing years, but private and religiously-affiliated providers were not eligible to provide services.

Consolidation/Authorization Levels:

- The conference report contains 45 ESEA programs, down from 55 in current law, 47 in the House-passed bill, and 89 in the Senate-passed bill. However, this is significantly greater than the 32 programs requested by the President. This number also does not include non-ESEA programs, of which there were 5 in the House-passed bill and 12 in the Senate bill. There are also “hidden” programs in the form of set-asides (including 20 under the Fund for the Improvement of Education).

- Authorization levels have not been finalized, but the Committee has acknowledged they will be higher than the \$23 billion in the House bill (up from \$18.4 in current appropriations).

Other Provisions:

- **School Prayer:** Federal funds would be denied to any local school district that prevents or denies participation in constitutionally-protected school prayer.

- **Boy Scouts:** Federal funds would be denied to any public school or LEA that discriminates against or denies equal access to any group affiliated with the Boy Scouts of America.

- **Military Recruiting:** Armed Forces recruiters are given the same access to high school students as college recruiters and job recruiters.

- **Internet Filtering:** All schools using federal ESEA technology funds to purchase computers and related technology would be required to use filtering Internet filtering technology. ESEA funds could be used for this purpose.

- **Hate Crimes:** Funds are made available for programs preventing “violence associated with prejudice and intolerance” under Governor’s Activities, SEA Activities, LEA Activities and National Activities in the Safe and Drug Free Schools program, including allowing the development of hate crimes curriculum. The Secretary *may* also fund the federal Hate Crimes Prevention Program (current law). House Republicans unsuccessfully offered an amendment in Conference that would have protected students from activities undermining their religious beliefs.

- **Home School Exemptions:** Home schooled students are exempted from all federal testing and education requirements.

- **Parental Rights:** A weaker version of the Graham/Tiahrt House-passed language requires schools to notify parents of all surveys and tests at the beginning of the school year. The burden is on the parents to opt their children out of such surveys by notifying the school. Graham/Tiahrt required written consent of the parents.
